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Filing date: **09/20/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212483
Party	Defendant Bobby Dale Earnhardt LLC
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVE W, SUITE 151 VIENNA, VA 22180-5612 UNITED STATES info@thetrademarkcompany.com
Submission	Answer
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	09/20/2013
Attachments	Answer.pdf(162522 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

Serial No. 85/686,394
For the mark BOBBY DALE EARNHARDT

Teresa H. Earnhardt,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91212483
	:	
Bobby Dale Earnhardt LLC,	:	
	:	
Applicant.	:	

ANSWER AND GROUNDS OF DEFENSE

COMES NOW the Applicant Bobby Dale Earnhardt LLC (hereinafter “Applicant”), by and through counsel, The Trademark Company, PLLC, and files its Answer and Grounds of Defense to the Notice of Opposition and in response to Opposer’s allegations states as follows:

ANSWER

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first Introductory Paragraph of the Notice of Opposition and therefore denies the same. In response to the specifically enumerated paragraphs of the Notice of Opposition, Applicant responds as follows:

1. Applicant is without knowledge of the allegations set forth in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without knowledge of the allegations set forth in Paragraph 2 of the Notice of Opposition and therefore denies the same
3. Applicant denies the allegations set forth in Paragraph 3 of the Notice of Opposition as and demands strict proof thereof.
4. Applicant denies the allegations set forth in Paragraph 4 of the Notice of Opposition as phrased and demands strict proof thereof.

5. Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition as phrased and demands strict proof thereof.

6. Applicant admits the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition as phrased and demands strict proof thereof.

8. Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition and demands strict proof thereof.

9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition and demands strict proof thereof.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition and demands strict proof thereof.

11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition and demands strict proof thereof.

Applicant further denies all allegations not specifically, actually or constructively, admitted in the foregoing paragraphs of this Answer and Grounds of Defense.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed.

Respectfully submitted this 20th day of September 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Applicant

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For the mark BOBBY DALE EARNHARDT

Teresa H. Earnhardt,

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Opposition No. 91212483

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 20th day of September, 2013 to
be served, via first class mail, postage prepaid, upon:

LARRY C. JONES
ALSTON & BIRD LLP
101 SOUTH TRYON STREET , SUITE 4000
CHARLOTTE, NC 28280

/Matthew H. Swyers/
Matthew H. Swyers